



JOINT NGO Report



for the review of Japan at the 89th Session of
the Committee on the Elimination of Discrimination Against Women
(CEDAW)

Submitted By

- Ainu Women Association – *Menoko, mosi-mosi*
- APRO Zainichi Korean Women Network
- Central Women Division of Buraku Liberation League (BLL)
- International Movement Against All Forms of Discrimination and Racism (IMADR)

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Contact: International Movement Against All Forms of Discrimination and Racism (IMADR)
(imadr@imadr.org)

About Us

The Ainu Women Association – *Menoko, mosi-mosi*, APRO Zainichi Korean Women Network, Central Women Division of Buraku Liberation League(BLL) and International Movement Against All Forms of Discrimination and Racism (IMADR) work for the elimination of multiple forms of discrimination faced by women of minority and indigenous communities in Japan. Since 2003 (at the 29th session), we have continually participated in the review of Japan by the CEDAW.

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I. Background: Remarkable Developments Since 2016

1. The Laws Enacted and Enforced for the Elimination of Discrimination Against Minority

On 4 June 2016, the **Act on the Promotion of Efforts to Eliminate Unfair Discriminatory Speech and Behaviour against Persons with Countries of Origin other than Japan or "Act on the Elimination of Hate Speech"** in short¹, came into force. Since the late 2000s, there has been a sharp increase in rallies and demonstrations targeting minorities, mainly Zainichi Koreans, with insults and hateful language. The proliferation of social media has also added to the severity of online hate speech. Yet, this law, aiming at education and awareness-raising, contains no provision on prohibitions, sanctions and remedies, and fails to cover online hate speech. Several Zainichi Korean women who were subjected to relentless hate speech attacks by name had to fight their cases in court claiming damages caused by intimidation, slander, and others. Moreover, as the law applies to only persons whose origin is outside of Japan, it does not address hate speech against Ainu people, Buraku people and Ryukyu/Okinawa people. Effective legislation is needed without limiting the scope of targeted individuals with provisions on prohibitions, sanctions and remedies. Importantly, a review after five years of implementation was not carried out.

On 16 December 2016, the **Act on the Promotion of the Elimination of Buraku Discrimination**² entered into force. The law recognises that Buraku discrimination, which is unacceptable, persists to this day and stipulates that the national and local governments are responsible for enhancing consultation systems, promoting education and awareness-raising and conducting a survey on the actual status of Buraku discrimination to eliminate discrimination. The law does not have any provisions on prohibitions, sanctions and remedies nor a definition of Buraku discrimination. Under the law, the survey on the actual status was conducted in 2019, but it was limited to the one about the general public's attitude towards Buraku. A group of Buraku people, including women, filed a lawsuit against relentless outings on the Internet that identified Buraku neighbourhood and Buraku people, alleging an infringement of privacy and a violation of the 'right not to be discriminated against'. In 2023, Tokyo High Court ruled that the plaintiffs' right not to be discriminated against had been violated to overrule the decision of the district court. The case has been appealed to the Supreme Court.

On 26 April 2019, **Act on Promoting Measures to Achieve a Society in which the Pride of Ainu Peoples is Respected or Act on Promoting Measures for Ainu People**, in short³, took effect. Although Article 4 of the Act states that "*[i]t is prohibited for any person to discriminate against Ainu people or commit any other act that infringes upon the rights or interests of an Ainu person for being Ainu*", there are no provisions to punish such acts and to offer remedies to the victims. Following the United Nations Declaration on the Rights of Indigenous Peoples adopted in 2007, the Japanese government acknowledged the Ainu people as the indigenous

¹ <https://www.japaneselawtranslation.go.jp/ja/laws/view/4081>

² <https://www.japaneselawtranslation.go.jp/ja/laws/view/4080>

³ <https://www.japaneselawtranslation.go.jp/ja/laws/view/4538>

Peoples of Japan in 2008. While the Act of 2019 aims to promote Ainu culture and support inheritors of its culture, it does not have provisions that recognise the rights of the Ainu as Indigenous Peoples including the right to self-determination and the right to land and resources.

It is worth highlighting that these three individual laws mentioned above **failed to employ perspectives of 'intersectionality' or 'multiple forms of discrimination'**, widely recognised by international society despite their aim to tackle discrimination.

2. Case of Incitement to Discrimination by Politicians

In 2016, soon after participating in the CEDAW review of Japan, M.S. (a former parliament member at that time) posted an article about the review on her blog. The article contains derogatory comments about Ainu women and Zainichi Korean women who wore ethnic clothing and joined the CEDAW review. Additionally, it attaches photos of Ainu women and Zainichi Korean women, which were taken secretly without their consent. The below is a part of her blog article:

“【A Shame to Japan】 ... In the UN conference room, there were women dressing in chima jeogori (Korean traditional clothes) and Ainu ethnic costumes in addition to filthy outfits. They completely have a problem with dignity... Anyway, just breathing the same air made me feel so sick that, by the time I left the UN, I was physically ill...Clearly stated, they disgrace Japan just by their existence”

The article was widely circulated with the support of M.S.'s followers in the number of hundreds of thousands and continued to be posted until it was deleted in early 2023. From the time of first posting the article, Ainu women and Zainichi Korean women kept silent for fear of reprisal.

During the 210th Extraordinary Diet Session in November 2022, several opposition party members took up the article in several parliamentary committees as discriminatory and asked questions to M.S. (a member of parliament from the ruling party, LDP, since 2017 and Parliamentary Secretary for Internal Affairs and Communications in the second Kishida Cabinet in 2022), Minister for Internal Affairs and Communications, Minister of Justice, Prime Minister. In the parliamentary questioning, none of the Prime Minister, the ministers concerned, nor M.S. herself recognised the act as 'discrimination' or 'hate speech'. After all, M.S. voluntarily resigned from the government position as a Parliamentary Secretary. Still, M.S. is a member of parliament as of today.

In February 2023, IMADR, together with the minority women concerned, submitted a petition with 52,000 signatures directly to the Human Rights Bureau of the Ministry of Justice, calling for her actions to be recognised as hate speech and direct apologies to the targeted minority women. Despite these efforts, the Government took no concrete measures.

In February and March 2023, Zainichi Korean women and Ainu women respectively applied to the Regional Legal Affairs Bureau in their respective jurisdiction for the M.S. case to be recognised as human rights violations. After several months, in September and October 2023, each case was recognised accordingly (though it was not identified as hate speech). Then, enlightenment and instruction were given to M.S.

While such a finding of encroachment was broadly reported, M.S. challenged the legitimacy of this system and continued to send out messages that offended the dignity of Ainu people on social media and elsewhere. This occurred against the backdrop that the Act on Promoting Measures for Ainu People was being implemented and that M.S. was given instruction by the Ministry of Justice to respect Ainu people and their culture.

The article in question was deleted in waves of criticism on her. Yet, it has not disappeared from the digital space altogether, as mirror sites and social networking sites (SNS) citing it were not subject to deletion.

3. COVID-19 and Minority Women

COVID-19 began to spread in Japan around February 2020. Over time, various social places, including schools and workplaces, came to a halt, which brought tangible and intangible consequences throughout society. Moreover, unsubstantiated and discriminatory rumours concerning infected persons and sources of infection were widespread, especially in digital spaces. There was no exception to the impacts of the pandemic on Buraku women, Zainichi Korean women and Ainu women. Some identified influences are reported below from the minority women's point of view.

a) The Impact of the COVID-19 pandemic on Buraku women

Osaka Federation of Buraku Liberation League (BLL) conducted a questionnaire on the livelihoods amid the COVID-19 pandemic involving a total of 5,301 people above 18 (4,462 responses) in the Buraku neighbourhood where many elderly women who could not even receive compulsory education live, and examined the responses received from women. The analysis showed that women's vulnerable situations, including:

- 47.1% of women were elderly over 65, which was higher than men.
- Among working women (51.6 %), 50.2 % are non-regular workers.
- Compared to men, women rely more on pensions and benefits as a source of income, rather than on salary.
- 40.7% of women experienced a reduced number of working days, which was 4.7% higher than men.
- More women felt anxious and stressed due to the pandemic.
- 26.7% of women felt an increasing burden of household chores, which was 7.0 % higher than men.
- Women felt more isolated due to the decreased interaction with friends and others.

“Although the BLL work is community-based and built around ‘talking’, ‘getting together’ and ‘visiting’, such methods could not be utilised during the pandemic to ensure physical distance. Instead, the pandemic triggered structural shifts into ‘remote work’ and ‘remote school classes’. However, these methods did not fit easily into local communities. Consequently, the more these shifts progress in society, the more the local population is left behind. The drastic changes in the working environment during the pandemic have also revealed the reality that the problems are concentrated in non-regular employment mainly among single-mother households” (quoted from the report).

b) The impact of COVID-19 on employment and livelihoods of Zainichi Korean women

The following is the excerpt from the third survey on the actual status of Zainichi Korean women from December 2020 to April 2021 conducted by APRO Zainichi Korean Women Network (553 responses):

“Zainichi Korean women experienced the pandemic in Japanese society where racial discrimination and exclusion of foreigners had not been rectified. Anxiety and concerns were amplified by discrimination and exclusion, which put women more

vulnerable. The pandemic and numerous restrictions and self-restraints to prevent it affected women living in Japan as a whole in the area of employment and livelihoods, let alone Zainichi Korean women. In addition to that, Zainichi Korean women also experienced racial discrimination. Even among Zainichi Koreans, there are differences, which might be manifested as 'disparities'. Some people did not feel or hold anxiety and concern or have a way of escaping from it. On the other hand, others were trapped in a 'swamp' of difficulties and found it difficult to get out. To eliminate the 'swamp', it is necessary to address racial discrimination and discrimination against women at the same time".

c) Regulations and exclusions in emergency student financial assistance during the COVID-19 pandemic

Four UN human rights experts sent a joint letter to the Government of Japan dated 19 February 2021⁴, expressing their concerns that the 'Emergency Student Support Handout for Continuing Studies' (started by the Ministry of Education in May 2020), which imposed additional conditions on foreign students and excluded Korean University students from its scope, did not comply with the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Elimination of All Forms of Discrimination and Racism. The letter was concluded with their requests to the Government to provide them with detailed information about its responses to this particular matter. The Government submitted its response dated 19 April 2021⁵.

⁴ <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26027>

⁵ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36145>

4. The Fifth Basic Plan for Gender Equality (2020) and the Act on Assistance for Women with Difficult Problems (2024)

a) The Fifth Basic Plan for Gender Equality approved by the Cabinet on 25 December 2020⁶

In its “Field 6: Offering Support to Tackle Poverty and Other Livelihood Difficulties from Gender Perspective”, the following plan was presented regarding minority women:

“When being a woman places them in more complex and difficult situations in addition to their sexual orientation and gender identity, disability, national origin, Ainu origin, Buraku identity, and inter alia, efforts are made to understand the actual status of the issue where possible, promote human rights education and awareness-raising activities, and investigate and take relief measures when detecting a human rights violation is suspected. Besides, efforts are made to enhance consultation systems, including by improving the expertise of advisors, so that people can widely and securely access the human rights consultation services of the Legal Affairs Bureau and District Legal Affairs Bureau. Furthermore, efforts are made to develop support systems, including through adequate consultation systems and cooperation with relevant institutions, to encourage appropriate accommodation of students and others related to sexual orientation and gender identity at school. Other necessary initiatives are pursued from a perspective of gender equality”

Nevertheless, no information is publicly available on how the concerned can access these measures mentioned in the plan, how the measures are used in practice and what the outcomes are. Notably, ‘**multiple forms of discrimination**’, which has been faced by minority women, is **not** mentioned.

b) Act on Assistance for Women with Difficult Problems put into force in April 2024⁷

Given that women often face various difficulties in their daily or social life due to their gender, the Act aims to promote measures to support women with difficult problems, thereby contributing to the realisation of a society in which human rights are respected and women can live safely and independently by provisioning for the necessary matters concerning the support for them in order to strengthen their welfare.

The Act also defines ‘women with difficult problems’ as women (including those who potentially) have difficulties in smoothly leading their daily lives or social lives owing to sexual harm, family backgrounds, relationships with the local community and other circumstances. Further consideration is required on how this can be applied to address problems faced by minority women in consultation with the concerned.

⁶ https://www.gender.go.jp/english_contents/about_danjo/whitepaper/pdf/5th_bpg.pdf

⁷ <https://laws.e-gov.go.jp/law/504AC0100000052/>

II. Priority Issues and Proposed Recommendations

1. Effective Responses and Remedies to Discrimination against Minority Women (Articles 1 and 2)

LOI Para 2: Definition of discrimination against women

Para 4: Legislative framework

Proposed Recommendations:

1. The State party should adopt comprehensive anti-discrimination law that addresses multiple forms of discrimination and its consequences.
2. The State party should establish an independent national human rights institution in accordance with Paris Principles
3. The State party should improve the application of the current three individual acts to effectively address multiple forms of discrimination.

Current Status and Issues:

a) Hate Speech against Minority Women and Current Legislation

As elaborated in I.1, relentless hate speech has been made against certain Zainichi Korean women who were targeted by racists, usually male, for standing for the dignity of minorities. The fact that they are Zainichi Korean and a woman fuelled the racist hatred even further. One of them, journalist L.S.H., filed a civil lawsuit against the perpetrator group and its male representative after persistently being subjected to hate speech attacks. In June 2017, the Osaka High Court recognised the case as ‘multiple forms of discrimination based on race and gender’, and in November 2017, the Supreme Court finalised the decision of the High Court. This was the first time that multiple forms of discrimination were referred to in a court decision in Japan.

There is still no provision on sanctions and remedies in relation to hate speech. Given that the Act of Elimination of Hate Speech (2016) does not have a sanction clause or remedial clause, those exposed to hate speech can seek justice only by filing civil lawsuits demanding damages caused by defamation, slander, or other.

The Act narrows the scope of application mainly in three ways. Firstly, it limits the grounds for discriminatory speech and behaviour only to one's country of origin and excludes all others such as colour, ethnicity, gender, disability, gender identity, etc. Secondly, it does not cover such behaviour against Ainu people, Buraku people and Ryukyu/Okinawa who are frequent victims of such acts, though. Lastly, it does not address online hate speech, which is now the most serious and immense in scale.

Under the Act, the Ministry of Justice and the Ministry of Education, Culture, Sports, Science and Technology carry out educational programmes for the purpose of eliminating hate speech. However, the programmes do not have perspectives of multiple forms of discrimination, nor do they include a subject on discriminatory speech and behaviour against Buraku, Ainu or Ryukyu/Okinawa identity.

b) Act on the Promotion of the Elimination of Buraku Discrimination (2016) and Act on the Promotion of Ainu Measures (2019)

As explained in the case dealt with by Tokyo High Court (see also section I.1.), outing constitutes serious human rights violations, especially in the digital age. Buraku women are horrified by this practice, and their right to live in safety is being threatened.

Notwithstanding the prohibition on discrimination against Ainu people clearly stated in Article 4 of the Act, no provisions are made on sanctions and remedies for violating it. The Hokkaido Local Government surveyed the actual status of 13,118 people of 5,571 households in 63 municipalities in the province in 2017 and published its results. In response to the question, “Have you ever experienced multiple forms of discrimination?”, 5.7% of respondents answered “yes” and 4.6% answered, “I know someone who has experienced such discrimination”. As for other intersectional factors, 64% of them answered economic factors, 22% gender, 15% disability and 12% others. This was the only question that had a gender perspective in the survey.

c) Lack of Recognition, Sanctions and Remedy

Responding to the incidents of M.S. as mentioned in I.2, the Government did not admit that it was ‘hate speech’ or ‘discrimination against Ainu and Zainichi Koreans’. Instead, it kept stating that “there should be no speech and behaviour that hurt persons”. With no decisive answer from the Government defining it as discrimination, Korean and Ainu women filed a petition with their respective regional Legal Affairs Bureaus for human rights violations in February and March 2023 respectively, and the bureaus attested there had been human rights violations as claimed by petitioners in September and October of the same year. Still, M.S. keeps disseminating messages defaming Ainu people.

The above underscores the urgent need for **comprehensive anti-discrimination legislation** that also covers **multiple forms of discrimination against minority women**, and the establishment of **a national human rights institution** that provides everyone access to investigations, recognitions, and remedies of discrimination and human rights violations.

2. Stereotypes, Prejudices and Harmful Practices (Articles 5 and 6)

LOI Para 8: Stereotypes and harmful practices

Proposed Recommendations:

1. The State party should develop and promote human rights education programmes in schools and society to eliminate deep-rooted stereotypes about gender, ethnicity, race and social origin.
2. The State party should develop and take active measures at all levels to resolve significant gender gaps.

Current Status and Issues:

a) Intensive Hate Speech against Minority Women

Gender stereotypes coupled with racial prejudices expose minority women to hate speech. In 2013, the Committee Against Torture (CAT) expressed its concerns over statements made by the Prime Minister and the head of local authorities denying the facts on 'comfort women' issues and military sexual slavery. It then gave recommendations to urge the Government to take appropriate measures⁸. However, the Cabinet decided not to address the issue on the grounds of "no obligation to follow UN recommendations". This amounted to a denial of women's dignity and public admission of sexual violence and endorsed racist speech and behaviour against Koreans. The contempt for South/ North Korea inherited by Japanese society from the colonial period, coupled with misogyny rooted in a patriarchal society, has exacerbated the backlash against Zainichi Korean women who have raised their voices.

Not only Zainichi Korean women but also other minority women have been suffering from hate speech. One of the victims of M.S.'s case (see details in section I.2.), R.T. (an Ainu woman) responded to media interviews firmly stating that she would not give in to discrimination by the politician. In response, there has been a drastic increase in online posts attacking R.T. and undermining Ainu culture and history. As the Government promotes the protection of Ainu culture and history, including through the establishment of Upopoy National Ainu Museum and Park, it should clearly deny misinformation made by the current Member of Parliament and disseminate correct information to eliminate prejudice and discrimination against Ainu Indigenous peoples.

b) Marriage Discrimination Based on Buraku Identity

Marriage discrimination is still prevalent. In 2017 alone, the Human Rights Bureau of the Ministry of Justice received a total of 377 cases of human rights consultations on Buraku discrimination, including 53 cases (14.1%) related to marriage and dating, 8 cases (2.1%) employment, 58 cases (15.4%) discriminatory graffiti, 68 cases (18%) defamation of specific individuals, and others. Also, the 2022 Public Opinion Poll on Human Rights conducted by the Cabinet Office revealed that 40.4% of 1,364 respondents have experienced, seen or heard opposition to marriage⁹. Marriage discrimination is the act of opposing or terminating a marriage on the basis of the partner's descent, social status, educational background, disability, ethnic origin and so forth, and in most cases, it is done by a third party such as a

⁸ CAT/C/JPN/CO/2 (2013)

⁹ <https://survey.gov-online.go.jp/r04/r04-jinken/gairyaku.pdf>

family member or relative in most cases, according to Buraku Problems and Human Rights Dictionary (published by Buraku Liberation and Human Rights Research Institute). Continued Buraku discrimination is grounded in prejudices and stereotypes. As indicated in the 2022 Public Opinion Poll, 60.9% of respondents attributed persistent Buraku discrimination to deep-seated traditional prejudices and discriminatory attitudes while 43.8% to a lack of knowledge and indifference, 27.6% to a lack of education and awareness-raising and 25.9% to incitement to hatred on the Internet.

To make matters worse, the wrong and evil notion that ‘the family lineage is tainted’ by the mixing of Buraku ‘blood’ led to the strong rejection of Buraku women, as they were seen as becoming part of the family under the traditional family system.

c) Difficulties Faced by Zainichi Koreans

According to the third survey on the actual status of Zainichi Korean women conducted by APRO in 2021 (see also section 1.3.b), 70% of respondents were concerned that using their ethnic name would cause discrimination in employment and housing. The survey accordingly concludes that the difficulties Zainichi Koreans face in living in this regard stem from the ignorance and lack of understanding of the Japanese.

3. Serious Impact of Discrimination Against Minority Women on Education (Articles 10 and 13)

LOI Para 17: Education

Proposed Recommendations:

1. The State party should conduct comprehensive surveys to understand discrimination against minorities and the impacts of gender stereotypes on education.
2. The State party should take concrete measures to ensure access to education by minority women under the current Basic Plan for Gender Equality, including by replacing loan scholarship schemes with benefit schemes.
3. The State party should take immediate action to change its assessment criteria so that High School Tuition Support Fund Programme¹⁰ is extended to include students in Korean High School.
4. The State party should ratify the UNESCO Convention against Discrimination in Education.

Current Status and Issues:

a) Ainu Women and Educational Opportunities

Historically, Ainu people were forced to assimilate under Japanese invasion, thereby entrenching the ideology of patriarchy and denying educational opportunities to Ainu women. Such denial influences the employment and livelihood of Ainu women.

There are children who have no choice but to give up higher education due to financial circumstances. Although Hokkaido Local Government has interest-free loan scholarship schemes for Ainu living in Hokkaido, the full amount must be paid back within 20 years following the end of study. In addition, a joint guarantor must be provided for the loan. According to the 2017 survey conducted by Hokkaido Local Government, there is still a 12.5% gap in university enrolment rates between Ainu and overall rates in the same neighbourhoods despite some improvements. It also revealed that 33.3% of Ainu children entered universities or colleges, thereby a significant difference of more than 20% compared to the national average reported by the Ministry of Education for the same year. These results highlight the need for active support from the governments.

b) Buraku Women and Learning Opportunities

As a result of Buraku discrimination, parents who could find only unstable work have put off education, especially for girls, to avoid financial burdens. Additionally, the expiration of the Law on Dowa Special Measures in 2003 that included the scholarship schemes has made it more difficult for Buraku people, especially girls, to pursue higher education. Against this backdrop, some elderly and young Buraku women are illiterate even today. Besides, elderly people lacking reading and writing abilities are unable to keep up with digitalisation.

c) Exclusion of Korean Schools from Public Support and the Right to Education

Korean High Schools remain excluded from High School Tuition Support Fund Programme, and many municipalities have withdrawn from municipality-led subsidiary projects to Korean

¹⁰ <https://www.mext.go.jp/en/policy/education/elsec/title02/detail02/1373867.htm>

Schools. Over this, UN treaty bodies¹¹ indicated concerns about the denial of equal educational opportunities, but the Government continued to refer to it as “not meeting assessment criteria” despite political and diplomatic contexts. In this regard, five Korean High Schools filed a case against the State, but none of them won. Moreover, Korean preschools remain out of free preschool tuition schemes (implemented in 2019) due to their classification as miscellaneous schools. It should be noted that the Act Establishing the Children and Families Agency (2022)¹² aims to ensure children’s basic human rights without any discrimination.

This series of discriminatory treatments makes it difficult for parents to send their children to Korean Schools. Such ‘hatred from the authorities’ may encourage hate speech, hate crimes and violent acts against Zainichi Koreans. A survey targeting Zainichi Korean students conducted by Korean Scholarship Foundation from December 2019 to February 2020 uncovered that 30% of respondents had experienced verbal harassment, 40% discriminatory treatment, and 70% discriminatory speech and behaviour on the Internet or through hate demonstration. Notably, more women experienced verbal harassment and felt more discomfort, insecure and scared¹³.

¹¹ For example, CRC concluding observations on Japan (2019), CRC/C/JPN/CO/4-5, H(c); CERD concluding observations on Japan (2018), CERD/C/JPN/CO/10-11, paras 21 and 22.

¹² https://www.cfa.go.jp/assets/contents/node/basic_page/field_ref_resources/152d58ef-7a30-4e09-a374-6632910850a0/20333e7b/20230113_en_act_905R402.pdf

¹³ The Korean Scholarship Foundation. (2021). Opinion Survey about harassment experience of Korean Students, *Sefurumu* (27).

4. Poverty and Discrimination in Employment and Work (Articles 11 and 13)

LOI Para 19: Employment 1

Proposed Recommendations:

1. The State party should get the actual status of minority women's employment and social security and reflect its results in the Basic Plan for Gender Equality.
2. The State party should consider repealing the nationality clause to ensure that residents of foreign nationals, including women, can apply their qualifications in public sectors.
3. The State party should change relevant procedures to facilitate access to social security by marginalised groups, including minority women.
4. The State party should immediately ratify ILO Convention No. 190 to address harassment in the workplace on the grounds of gender, ethnicity, and social origin.
5. The State party should also promptly ratify ILO Convention No. 100 on Equal Remuneration.

Current Status and Issues:

a) Employment and Livelihood of Zainichi Korean Women

▪ Lower household income

Economic gaps between Zainichi Koreans and Japanese nationals remain unresolved. According to the Basic Survey on Foreign Residents conducted by Immigration Service Agency in 2022, 16.7% of Zainichi Koreans had an annual household income of less than one million yen, which was more than double the national figure¹⁴.

▪ Engagement in precarious work

More Zainichi Korean women engaged in low-paid and unstable non-regular and family work. The 2020 National Population Census revealed that such work was occupied by 65.37% of Zainichi Korean women, 57.54% of Japanese women and 27.28% of Zainichi Korean men. This is because Zainichi Korean women have been deprived of employment opportunities in private and public sectors in addition to gender discriminatory practices.

▪ Low pension benefit rates and high welfare rate

In many cases, the employees' pension scheme does not cover non-regular employment and family business, leaving Zainichi Korean women stuck in poverty. According to a survey conducted in Ikuno ward, Osaka city (the area with the highest concentration of Zainichi Koreans)¹⁵, 73.1% of Zainichi Korean elderly lived with an annual income below 1.22 million yen (relative poverty). Besides, only 27% of Zainichi Korean elderly gained pension benefits as a main source of income, which was less than half of 67%, the results of Japanese counterparts.

The higher poverty rates suffered by Zainichi Korean elderly were also observed in the 2020 National Survey on Public Assistance Recipients as well as the 2020 National Population

¹⁴ According to Comprehensive Survey of Living Conditions (2022), 6.7% live with less than one million yen.

¹⁵ This survey was conducted by Osaka City University, and the results were published in 2020.

Census. Korean households received welfare at a rate five times higher than the overall average, and 55% of single-person households of Zainichi Korean elderly received it. It is worth noting that Zainichi Koreans can apply for welfare, but their right to receive welfare is not guaranteed under the law. Therefore, they cannot appeal once municipalities decide they are not eligible for it.

▪ Exclusion under the name of 'natural matter of course'

The Government has been depriving foreign nationals (including many Zainichi Koreans) of opportunities to be public servants under the nationality clause¹⁶. Despite efforts at national and local levels to relax it, Zainichi Koreans still cannot hold administrative positions at public schools (except universities) and various positions at national/local authorities, including court mediators, judicial commissioners, judges, police officers, firefighters and self-defence forces. Even when Zainichi Koreans become teachers in public schools, their position is that of 'full-time lectures', which resulted in disparities in lifetime income of more than 10 million yen with those of their Japanese counterparts. So far, teachers, civil servants and lawyers of Zainichi Korean, including women, have filed cases. Yet, none has won due to 'natural matter of course', which rationalises such legally not-defined practices. In this regard, the CERD¹⁷ and Human Rights Committee¹⁸ issued recommendations in 2018 and 2022 respectively.

b) Employment and Livelihood of Ainu People

According to the 2017 survey on the actual status of Ainu livelihood conducted by the Hokkaido Local Government, 19.6% of households had below 2 million yen of annual income and 80% of elderly households received public welfare. It also found that 35.9% of respondents engaged in the primary sector, followed by 35.3% in the tertiary sector and 17.9% in the secondary sector. It should be noted that no survey was conducted on employment status of Ainu women.

The UN Working Group on Business and Human Rights conducted interviews with Ainu people during its official visit to Japan in 2023. In its report released in June 2024¹⁹, it expressed concerns about "reports received of racial harassment and psychological stress faced by Ainu workers²⁰ at the National Ainu Museum and Park" (para 43). In addition, it urged the Government to conduct a survey to understand the actual status of Ainu people throughout the country, not relying only on the survey conducted by the Hokkaido Local Government.

c) Access of Buraku Women to Social Security

Some Buraku women are not eligible to receive the National Pension as lower income prevented them from paying the pension premium in their working years mainly in informal sectors. Others might be eligible but receive an amount too low to lead a decent life.

Welfare is another social security available for Buraku women with difficulties. However, some are hesitant to apply for it because the authorities first make a dependency enquiry to

¹⁶ Although no law explicitly prohibits the employment of foreign nationals as public servants, such legally undefined practices have been justified since 1953, when the Cabinet Legislation Bureau presented them as a "natural matter of course".

¹⁷ CERD/C/JPN/CO/10-11 (2018), paras 21 and 22.

¹⁸ CCPR/C/JPN/CO/7 (2022), paras 42 and 43.

¹⁹ A/HRC/56/55/Add.1 (2024), para 43.

²⁰ According to Ainu Women Association, mainly women faced such harassment.

the applicant's relatives (to see if the family can help). What is more, when children from households on welfare enter university, they must be independent from their parents and hold their own household independently to fulfil requirements set under the Public Assistant Act. This means that they need to make ends meet by themselves and obtain scholarships for university.

5. Multiple Forms of Discrimination and Appropriate Measures (Articles 2 and 3)

LOI Para23: Rural women and disadvantaged groups of women

Proposed Recommendations:

1. The State party should immediately conduct surveys on the actual status of minority women.
2. The State party should ensure the participation of minority women in establishing, implementing and monitoring the Basic Plan for Gender Equality both at the local and national levels.

Need for Survey on Actual Status of Minority Women and Their Participation in Formulating and Reviewing the Basic Plan:

Field 6 of the Fifth Basic Plan for Gender Equality requires the Government to take measures for 'women with difficult problems' by (i) striving to understand the actual status where possible (ii) promoting human rights education and awareness-raising campaigns (iii) investigating cases of human rights violations and providing remedies (iv) enhancing consultation systems (see details in section I.4). Under the Basic Plan, the followings should be considered:

- i) The Government should understand the actual status of minority women from various perspectives (e.g. education, employment and discriminated experiences).
- ii) The Government should consider integrating experiences and knowledge of minority women into training programmes of counsellors for human rights violations and domestic violence. It is urgent as exemplified by the followings:
 - Among 888 Zainichi Korean women, none of them consulted public authorities when they experienced ethnic and/or gender discrimination in the workplace according to the 2016 survey conducted by APRO.
 - Almost no Ainu women consulted public authorities or other people when they experienced domestic violence according to the 2005 survey.
 - Only 2% of Buraku women consulted public authorities about domestic violence, and 20% of those with lived experience of domestic violence were supported by local communities, as discovered in the 2002 survey.
- iii) The local governments should adopt and implement the Basic Plan in accordance with the Basic Act for Gender Equal Society²¹.
- iv) Minority women concerned should be involved in its formulation, review, or implementation process, including the steps to address underlying causes of 'difficulties', given the fact that no discussion has been undertaken on the relevant issues faced by Buraku women, Ainu women and Zainichi Korean women under the Act on Assistance for Women with Difficult Problem (2024).

²¹ https://www.gender.go.jp/english_contents/about_danjo/lbp/laws/pdf/laws_01.pdf